

Message Text

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ACTION L-03

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E.O.11652: NA
TAGS: ICRC, PARM, PFOR
SUBJECT: DIPLOMATIC CONFERENCE ON INTERNATIONAL HUMANITARIAN
LAW

1. BELOW IS A PROPOSAL FROM INDONESIA ON INCENDIARY WEAPONS,
AND A FIVE NATION (AUSTRIA, MEXICO, SWEDEN, SWITZERLAND, YUGO-
SLAVIA) PROPOSAL ON LAND MINES AND BOOBY TRAPS. THE
LATTER WILL BE DISCUSSED ON TUESDAY, APRIL 26.

1. BEGIN QUOTE. DRAFT ARTICLE ON THE USE OF LAND MINES AND THE
USE OF CERTAIN EXPLOSIVE AND NON-EXPLOSIVE DEVICES.

1. IT IS FORBIDDEN TO USE MINES AND DEVICES TO WHICH THIS
ARTICLE APPLIES IN AN AREA CONTAINING A CONCENTRATION OF CIVIL-
IANS AND IN WHICH COMBAT BETWEEN GROUND FORCES IS NOT TAKING
PLACE OR IS NOT IMMINENT UNLESS EFFECTIVE PRECAUTIONS ARE TAKEN
TO PROTECT CIVILIANS FROM THEIR EFFECTS.

2. THE LOCATION OF PRE-PLANNED MINEFIELDS SHALL ALWAYS BE RE-
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CORDED. MINEFIELDS LAID DURING COMBAT AND THE LOCATION OF CER-
TAIN EXPLOSIVE AND NON-EXPLOSIVE DEVICES SHALL BE RECORDED AS
FAR AS POSSIBLE. THESE RECORDS SHALL BE PRESERVED IN ORDER
TO MAKE POSSIBLE THE SUBSEQUENT REMOVAL OF THE MINES AND DEVICES
AND TO MAKE THE RECORDS PUBLIC WHEN IT IS NECESSARY.

3. THE USE OF REMOTELY-DELIVERED MINES IS PROHIBITED UNLESS

(A) EACH SUCH MINE IS FITTED WITH A NEUTRALIZING MECHANISM WHICH RENDER THE MINE HARMLESS WITHIN A PERIOD OF, AND (B) THEY ARE USED WITHIN COMBAT ZONE.

4. IT IS FORBIDDEN IN ANY CIRCUMSTANCES TO USE ANY APPARENTLY HARMLESS PORTABLE OBJECT WHICH IS SPECIFICALLY DESIGNED AND CONSTRUCTED (PRE-FABRICATED) TO CONTAIN EXPOOSIVE MATERIAL AND TO DETONATE WHEN IT IS DISTURBED OR APPROACHE.

5. IT IS FORBIDDEN IN ANY CIRCUMSTANCES TO USE ANY EXPLOSIVE OR NON-EXPLOSIVE DEVICE OR OTHER MATERIAL WHICH IS DELIBERATELY PLACED TO KILL OR INJURE WHCN A PERSON DISTURBS OR APPROACHES AN APPARENTLY HARMLESS OBJECT OR PERFORMS AN APPARENTLY SAFE ACR AND WHICH IS ANY ATTACHED TO OR ASSOCIATED WITH: (A) INTER-NATIONALLY RECOGNIZED PROTECTIVE EMBLEMS, SIGNS OR SIGNALS; (B)SICK, WOUNDED OR DEAD PERSONS; (C) BURIAL OR CREMATION SITES OR GRAVES; (D) MEDICAL FACILITIES, MEDICAL EQUIPMENT MEDICAL SUPPLIES OR MEDICAL TRANSPORT; (E) CHILDREN'S TOYS; (F) FOOD; OR (G) RELIGIOUS OBJECTS.

END QUOTE

3. BEGIN QUOTE.

1. IT IS PROHIBITED TO USE INCENDIARY WEAPONS IN ALL CIRCUMSTANCES EXCEPT:

(A) AGAINST MILITARY MATERIEL SUCH AS MILITARY AIRFIELDS, WEAPONS AND MUNITION STOCKPILINGS, BRIDGES OF MILITARY OPERATIONAL IMPOR-
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TANCE, PROVIDED THAT THESE OBJECTIVES ARE NOT WITHIN OR NEAR CIVILIAN POPULATED AREAS.

(B) AGAINST MILITARY PERSONNEL HOLDING POSITIONS IN FIELD FORTIFICATIONS SUCH AS BUNKERA AND PILLBOXES, WHERE THE USE OF AN ALTERNATIVE WEAPON WOULD INEVITABLE RENDER MORE CASUALTIES. EVEN SO EACH ADVERSARY SHALL UNDERTAKE TO CHOOSE THE WEAPON WITH THE LEAST INDISCRIMINATE EFFECT.

2. THIS PROHIBITION DOES NOT APPLY TO:

(A) WEAPONS WHICH POSSESS A COMBINED EFFECT OF PENETRATION, FRAGMENTATION AND INCENDIARY AND WHICH ARE USE AGAINST ARMOURED VEHICLES AND AIRCRAFT.

(B) INCENDIARIES FOR PURPOSES OTHER THAN DAMAGING OR INJURING SUCH AS ILLUMINANTS, TRACERS AND SIGNAL MUNITIONS. END QUOTE.SORENSEN

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